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3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT SEATTLE

6 AECON BUILDINGS, INC.,

7 Plaintiff,

8 v.

9 ZURICH NORTH AMERICA, et al.,

10 Defendants.
11

Case No. C07-832MJP

ORDER AWARDING FEES

12 On July 24, 2008, the Court granted Zurich's motion to compel the deposition of Aecon's
13 counsel Richard Martens and awarded Zurich its fees in obtaining that relief. (Dkt. No. 193.)
14 The Court denied Zurich's motion to the extent it sought to disqualify Mr. Martens as trial
15 counsel or to strike his testimony. The Court requested that Zurich provide an accounting of its
16 fees. It has done so. (Dkt. No. 207.) Aecon opposes the fee request. (Dkt. No. 211.) Having
17 considered the briefs and the balance of the record, the Court ORDERS as follows:

18 Zurich's fee request is reasonable. Although the Court has previously reduced a fee
19 award to compensate for only ten hours of work on a routine motion to compel, this was not a
20 routine motion. Moreover, Zurich has reduced its request based on the fact that the Court only
21 granted its motion in part. Finally, the hourly rate for Zurich's attorneys is not excessive.


22 Aecon's argument that no fees should be awarded is not well taken. The Court has
23 already ruled that fees are appropriate where Mr. Martens refused to cooperate in the taking of
24 his deposition.

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The Court therefore GRANTS Zurich's request for \$3,376.60 in fees and costs. Aecon shall pay Zurich this amount within ten (10) calendar days of this order.

Dated: August 15th, 2008.


Marsha J. Pechman
United States District Judge